IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.4467 OF 2006

Pyramid Builders Pvt. Ltd. ..Petitioner

Versus

Shri Devendra Vijay M. Dadwal ..Respondent

Mr.R.A.Thorat for petitioner

CORAM : DR.D.Y.CHANDRACHUD, J.

DATE : 18TH JULY, 2006.

P.C.:

1. The Appellate bench of the Small Causes Court, while allowing the appeal preferred by the petitioner herein, partially granted the reliefs sought in the interim notice in terms of prayer clause (c). As a result the respondent has been restrained by an interim injunction from using the suit premises for any commercial purpose including giving out the premises to any third

party for carrying out film shootings. This petition by the original plaintiff seeks to question the refusal by the Appellate bench to grant relief in terms of prayer clauses (d) and (e). Prayer clause (d) sought access for the directors and employees of the petitioner from the compound to the beach on the rear side. Prayer clause (e) was for a mandatory injunction for the removal of the fencing. The Appellate bench has indicated, prima facie, cogent reasons for declining to grant that relief at the interlocutory stage.

2. It is clarified that all the observations contained in the order passed by the court below while disposing of the interim application shall not come in the way of the adjudication of the suit at the trial. It will be open to the petitioner to apply for expedited disposal of the suit and should such request be made the learned trial judge may consider it subject to the exigencies of his own Board.

3. The petition stands dismissed.

..